

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) No. 1:19CR00177 AGF
)
 JOHN F. QUIGLEY,)
)
 Defendant.)

GOVERNMENT'S RESPONSE TO COURT'S ORDER
CONCERNING RULE 12(b) DISCLOSURE

Comes now the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Keith D. Sorrell, Assistant United States Attorney for said District, and for the Government's Response in accordance with the Court's Order Concerning Pretrial Motions, states as follows:

RULE 12(b) DISCLOSURE

Rule 12(b)(4)(B) provides:

"At the arraignment or as soon thereafter as is practicable defendant may, in order to afford an opportunity to move to suppress evidence under Rule 12(b)(3)(C), request notice of the government's intention to use (in its evidence in chief at trial) any evidence which defendant may be entitled to discover under Rule 16. (emphasis added)

In accordance with the dictates of Rule 12(b)(4)(B) the Government intends to use the following referenced evidence at trial:

1. **Relevant Written or Recorded Statements**

The relevant written or recorded statements made by the defendant which are within the possession, custody or control of the Government are as follows:

- (a) Body camera recordings of officers, including recorded interview of defendant by ATF Special Agent Beth Dallas on November 6, 2019.

2. Written Records Containing Substance of Oral Statements

The written records containing the substance of any relevant oral statements made by the defendant in response to interrogation by any person then known to the defendant to be a government agent are as follows:

- (a) Report of Investigation of ATF Special Agent Beth Dallas regarding the interview of defendant on November 6, 2017.

3. Grand Jury Testimony

The defendant has not testified before a grand jury relating to the offense charged.

4. Other Relevant Oral Statements

The defendant has not made any other relevant oral statements in response to interrogation by any person then known by the defendant to be a government agent which the Government intends to use at trial.

5. Defendant's Prior Record

A copy of defendant's prior record, along with a complete copy of the investigative file held by the Government at this time, has been provided to counsel for the defendant.

6. Documents and Tangible Objects

The Government may introduce into evidence in its case in chief the following items which could arguably be subject to suppression:

- (a) Firearms seized throughout the investigation and referenced in the reports of ATF Special Agents, including:

1. Sig Sauer, Model P226, SN: 47A065051, .40 caliber pistol;
2. Ruger, Model SR9C, SN: 334-11571, .40 caliber pistol;
3. Glock, Model 19, SN: ACMT210, 9mm pistol;
4. Smith and Wesson, Model 442, SN: CLY2807, .38 special revolver;
5. Sig Sauer, Model SP2022, SN: 24B233221, .40 caliber pistol;

(b) Items referenced in the Reports of Investigation of ATF Special Agents Beth Dallas, Timothy Miller, Zachary Green, Casey Cook, Kristen Ellerbusch, and John Taylor and ATF Task Force Officer Robert Dees;

(c) Consent to Search forms and Property Receipts for items seized;

(d) Firearm Transaction Records;

(e) Search Warrant for defendant's residence, along with the Application, Affidavit, and Receipt for Property;

(f) Data downloaded from electronic devices;

(g) Photographs taken following the execution of the search warrant and following the consent search of defendant's vehicle;

(h) Advice of Rights and Waiver signed by defendant;

(i) Items referenced in the MSHP Report of Sergeant Jeffery Johnson;

(j) Written Affidavit of witness dated December 5, 2019;

(k) Surveillance video from October 16, 2019;

(l) Recorded interviews of witnesses.

7. **Reports of Examinations and Tests**

The Government may introduce into evidence in its case in chief testimony regarding the following reports of examinations and tests:

(a) Interstate nexus report on the firearms, a copy of which will be provided upon receipt by the government.

8. **Expert Witnesses**

The Government may introduce into evidence in its case in chief the following testimony of expert witnesses:

(a) ATF Special Agent, who will testify in accordance with his interstate nexus report.

JEFFREY B. JENSEN
UNITED STATES ATTORNEY

/s/ Keith D. Sorrell
KEITH D. SORRELL, #38283MO
ASSISTANT UNITED STATES ATTORNEY
555 Independence, 3rd Floor
Cape Girardeau, MO 63703
(573) 334-3736

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2019, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Jennifer Booth
Attorneys for Defendant

/s/ Keith D. Sorrell
KEITH D. SORRELL, #38283MO
ASSISTANT UNITED STATES ATTORNEY